

PTO/SB/28 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
A15 DIV(14)In re Application of: **Tapesh Yadav, et al.**Application No.: **10/698,577**Filed: **October 31, 2003**For: **NANOMATERIALS WITH UNUSUAL PROPERTIES**

The owner*, NanoProducts Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration dates of the full statutory terms of prior Patent Nos. 6,228,904; 6,531,704; and 6,855,426 as the term of said prior patents are defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:

expires for failure to pay a maintenance fee; is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or


is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record.

 **3.30.2006**
Signature Date

Carol W. Burton
Typed or printed name

303.454.2454
Telephone Number

04/04/2006 SFELEKE1 00000057 10698577

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included. The Director is authorized to charge the fee to Deposit Account No. 50-1123.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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